

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NICOLAS GOUREAU and STEPHANIE :
MENKIN, individually and derivatively on behalf :
of GOOBERRY CORP., a New York corporation, :

Plaintiffs, :

v. :

Civil Action No. 1:20-cv-04691

MARCUS LEMONIS, an individual, ML :
RETAIL, LLC, a Delaware limited liability :
company, and MARCUS LEMONIS, LLC, a :
Delaware limited liability company, :

Defendants, :

and :

GOOBERRY CORP., a New York corporation, :

Nominal Defendant.

**PLAINTIFFS' NOTICE OF MOTION FOR LEAVE
TO FILE THEIR SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that pursuant to Rule 15(a) of the Federal Rules of Civil Procedure and for the reasons stated in the accompanying Memorandum of Law in Support as well as the supporting Affidavit of Gerard P. Fox, and the exhibits annexed thereto, Plaintiffs Nicolas Goureau and Stephanie Menkin, through their undersigned counsel, hereby move for an Order allowing them to file their Second Amended Complaint.

DATED: August 20, 2021

GERARD FOX LAW, P.C.

/s/ Gerard P. Fox

Gerard P. Fox

Marina V. Bogorad (*pro hac vice forthcoming*)

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